

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

National Presto Industries, Inc.,

Case No. 18-CV-3321 (SRN/BRT)

Plaintiff,

**NOTICE OF HEARING ON PENDING
MOTION SEEKING AN
INTERLOCUTORY APPEAL, AND
FIFTH AMENDED TRIAL NOTICE
AND FINAL PRETRIAL ORDER**

v.

U.S. Merchants Financial Group, Inc. d/b/a
Greenmade,

Defendant.

Franklin M. Smith, Andrea L. Arndt, and Yafeez Sohil Fatabhoy, Dickinson Wright PLLC, 2600 W. Big Beaver Road, Suite 300, Troy, MI 48084, Christopher Mitchell and John S. Artz,, Dickinson Wright PLLC, 350 S. Main Street, Suite 300, Ann Arbor, MI 48104, and Jeffer Ali and Nicholas S. Kuhlmann, Patterson Thuyente Pedersen, P.A., 80 South 8th Street, Suite 4800, Minneapolis, MN 55402, for Plaintiff.

Christopher K. Larus, Ellen Levis, Emily Jean Tremblay, Jessica Lee Gutierrez, and William E. Manske, Robins Kaplan LLP, 800 LaSalle Avenue, Suite 2800, Minneapolis, MN 55402-2015 for Defendant.

National Presto's Motion to Certify for Interlocutory Appeal the Court's November 2, 2021 Order and Stay Proceedings [Doc. No. 598] will be heard on **Wednesday, October 19, 2022 at 10:00 a.m.** either via zoom or in person, at the parties' discretion.

If the motion is denied, this case is now scheduled for a jury trial before Judge Susan Richard Nelson, beginning on **Wednesday, November 30, 2022** at 9:00 a.m. in Courtroom 7B, Warren E. Burger Federal Building and United States Courthouse, 316 North Robert Street, St. Paul, Minnesota.¹ The trial will be held in accordance with the Protocol for Jury Trials in the District of Minnesota, which is attached. The wearing of masks is mandatory at all courtroom proceedings.

¹ This case is the second of two cases listed to commence trial on November 30, 2022. Contact information for counsel on the first-listed case is attached.

PRETRIAL CONFERENCE

A pretrial conference will be conducted by Judge Nelson in Courtroom 7B of the United States Courthouse, 316 North Robert Street, St. Paul, Minnesota, on **Monday, November 21, 2022 at 1:30 p.m.** All attorneys who will try the case must attend.

INSTRUCTIONS FOR ALL CASES²

1. **Submitting Documents.** All documents must be filed electronically on CM/ECF and served on all parties, and two paper courtesy copies of every document must be delivered to the chambers of Judge Nelson. Judge Nelson prefers those courtesy copies to be three-hole punched and unstapled (and, if warranted, appropriately tabbed and within binders). Courtesy copies should be received in the clerk's office at the St. Paul courthouse *no later than 11:00 a.m. on the next working day* following filing.

2. **Trial Briefs.** On or before **Monday, November 14, 2022** each party may, if necessary, file a supplemental trial brief.

3. **Exhibits.**

- a. The parties have completed their trial exhibit exchanges.
- b. On or before **Monday, November 7, 2022**, each party must file a list designating which of its *previously listed trial exhibits* it will be offering for this jury trial. Original copies of the exhibits must **not** be submitted with the pretrial papers.
 - i. Use the Exhibit & Witness list form on the Court's website, and list each exhibit separately, so that the exhibit's admission into evidence may be easily recorded. Email a copy of the exhibit list, in word-processing format, to *nelson_chambers@mnd.uscourts.gov*.
 - ii. Only exhibits that are identified on the exhibit list may be offered at trial, unless the omission is excused for good cause.

² The Court will review the parties' earlier-filed trial briefs, statements of the case, proposed voir dire questions, proposed jury instructions, and proposed special verdict forms. Additional submissions in certain categories are permitted as set forth herein.

- c. By **Monday, November 14, 2022**, if necessary, the parties may file supplemental objections to exhibits.

- 4. **Witness Lists.** By **November 14, 2022**, each party may, if necessary, file a list designating which of the previously listed witnesses the party intends to call at this jury trial, as well as a brief description of the substance of the expected testimony of each witness. No person who was not previously identified on a party's witness list may testify at trial, unless the omission is excused for good cause.

5. Deposition Designations.

- a. The parties have completed their exchanges of deposition designations.
- b. On or before **November 14, 2022**, the parties shall, if necessary, identify which deposition designations they intend to play to the jury.
- c. The parties agree that if a witness becomes unexpectedly unavailable to testify live, the parties will promptly meet-and-confer and will exchange deposition designations and objections for that witness and promptly submit a highlighted transcript(s) to chambers.

6. Motions in Limine. If either party believes that additional motions in limine are necessary in light of the disposition of the bench trial, those motions must be filed by **November 7, 2022**. Responses to any such motion must be filed by **November 14, 2022**. No brief in support of, or in opposition to, any motion in limine may exceed 3,000 words. No reply brief may be submitted with respect to any motion in limine, without the prior permission of the Court.

7. Stipulations and Settlement. The parties are strongly encouraged to meet in advance of trial, to make every effort to settle the case, and, if settlement is not reached, to make every effort to agree on as many trial-related matters as possible, such as facts that may be treated as established and exhibits that may be treated as authentic.

8. Courtroom Technology. The courtroom is fully equipped with an evidence presentation system that includes a digital document camera, audio and video players, and laptop connections. All exhibits are to be displayed using the courtroom technology. Training on the use of the courtroom technology systems is free and Judge Nelson requires that all attorneys involved in the litigation of a case complete at least an overview on use of the system. Please contact Susan Del Monte, Judge Nelson's Courtroom Deputy at 651-848-1970 to schedule training times prior to your trial date.

9. **Daily Transcripts.** If any party intends to order daily transcripts of trial, that party should contact Judge Nelson's court reporter, Carla Bebault, as soon as possible, so that she can make arrangements for other court reporters to assist her during the trial. Ms. Bebault's email address is *carla_bebault@mnd.uscourts.gov*.

Dated: September 28, 2022

____s/Susan Richard Nelson

SUSAN RICHARD NELSON

United States District Judge

-Attachment-

First Case Listed for Trial on November 30, 2022:

UNITED STATES OF AMERICA V. JULYEN ALONZO MARTIN

Case No. 22-cr-100 (SRN/ECW)

Charges: Cyberstalking, Interstate Transmission of a Threat to Injure;
Impersonating an Officer of the United States.

Estimated Length: 6-7 days

For the Government: Hillary A. Taylor, U. S. Attorney's Office, 612-664-5600

For the Defendant: Kevin W. DeVore, DeVore Law Office, P.A., 651-435-6500